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10 Attorneys for Defendants  
SPORTS MEDIA SERVICES, LLC  
11 (ERRONEOUSLY NAMED AND  
SERVED AS FOX CORPORATION),  
12 FOX SPORTS HOLDINGS, LLC, FOX  
SPORTS 1, LLC, FOX SPORTS 2, LLC,  
13 and FOX SPORTS PRODUCTIONS,  
LLC

14 UNITED STATES DISTRICT COURT

15 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

16 NOUSHIN FARAJI, individually, and  
17 on behalf of others similarly situated,

18 Plaintiff,

19 v.

20 FOX CORPORATION, a Delaware  
corporation, FOX SPORTS  
21 HOLDINGS, LLC, a Delaware limited  
liability company, FOX SPORTS 1,  
22 LLC, a Delaware limited liability  
company, FOX SPORTS 2, LLC, a  
23 Delaware limited liability company,  
FOX SPORTS PRODUCTIONS, LLC,  
24 a Delaware limited liability company,  
CHARLIE DIXON, an individual,  
25 SKIP BAYLESS, an individual, JOY  
TAYLOR, an individual, and DOES 1-  
26 25, inclusive,

27 Defendants.

Case No.  
LASC Case No. 25STCV00101

**DEFENDANT SPORTS MEDIA  
SERVICES, LLC'S  
(ERRONEOUSLY NAMED AND  
SERVED AS FOX CORPORATION)  
NOTICE OF REMOVAL OF  
ACTION PURSUANT TO 29 U.S.C.  
§ 185 (LMRA PREEMPTION) AND  
28 U.S.C. § 1441(a) (FEDERAL  
QUESTION)**

*[Filed Concurrently with: Corporate  
Disclosure Statement; Notice of  
Interested Parties; and Declarations of  
Joy Dumlao and Michaela R. Goldstein  
in support of Defendant's Notice of  
Removal of Action]*

Complaint Filed: January 3, 2025  
Trial Date: None set



1 between IATSE Local 706 and Sports Media Services, LLC beginning October 1,  
 2 2019 through September 30, 2022, is attached to the concurrently filed Declaration  
 3 of Joy Dumlao and marked “**Exhibit A.**” Dumlao Decl., at ¶ 3 & Exhibit A. A true  
 4 and correct copy of the CBA in effect between the IATSE Local 706 and Sports  
 5 Media Services, LLC effective October 1, 2022 through September 30, 2026, is  
 6 attached to the concurrently filed Declaration of Joy Dumlao and marked “**Exhibit**  
 7 **B.**” Dumlao Decl., at ¶ 3 & Exhibit B. The CBAs expressly provide for the wages,  
 8 hours of work, including overtime, and working conditions of employees. Dumlao  
 9 Decl., at ¶ 3 & Exhibit A, at pp. pp. 11-31 (working conditions), 17-19 (hours of  
 10 work, including overtime), 15-16, 48-50 (compensation); *Id.* at ¶ 3 & Exhibit B, at  
 11 pp. 12-32 (working conditions), 18-19 (hours of work, including overtime), 16, 52-  
 12 55 (compensation).

13 3. On or about January 3, 2025, Plaintiff filed a proposed class action  
 14 complaint against Defendant Sports Media, as well as Defendants Fox Sports  
 15 Holdings, LLC, Fox Sports 1, LLC, Fox Sports 2, LLC, Fox Sports Productions,  
 16 LLC, Charlie Dixon, Skip Bayless, and Joy Taylor (collectively “Defendants”) in  
 17 the Superior Court of the State of California, County of Los Angeles, Case No.  
 18 25STCV00101 (the “Complaint”). A true and correct copy of the Complaint is  
 19 attached to the concurrently filed Declaration of Michaela R. Goldstein and marked  
 20 “**Exhibit C.**”

21 4. On January 7, 2025, Sports Media was served with Plaintiff’s  
 22 Complaint by personal service. A true and correct copy of the Proof of Service for  
 23 Sports Media is attached to the concurrently filed Declaration of Michaela R.  
 24 Goldstein and marked “**Exhibit D.**”

25 5. The Complaint purports to assert claims for relief arising out of  
 26 Plaintiff’s employment with Defendants, on behalf of a proposed class of all non-  
 27 exempt employees of Defendants who worked in California at any time since  
 28 January 3, 2021. Specifically, Plaintiff brings claims for: (1) failure to pay

1 minimum wages; (2) failure to pay overtime; (3) failure to reimburse business  
 2 expenses; (4) failure to pay all wages upon separation; (5) failure to furnish accurate  
 3 itemized wage statements; (6) unfair, unlawful, or fraudulent business practices; (7)  
 4 sexual battery, (8) hostile work environment (sex/gender); (9) hostile work  
 5 environment (race/national origin); (10) hostile work environment (disability); (11)  
 6 failure to prevent harassment; (12) negligent supervision, hiring, and retention; (13)  
 7 retaliation; and (14) wrongful termination. See generally Declaration of Michaela  
 8 R. Goldstein (“Goldstein Decl.”), at ¶ 2 & Exhibit C.

9         6. Sports Media filed and served its answer to Plaintiff’s Complaint in  
 10 state court on February 4, 2025, prior to filing and serving this Notice of Removal.  
 11 Pursuant to Sports Media’s affirmative defenses, Sports Media contends Plaintiff’s  
 12 overtime claim is preempted by the Labor Management Relations Act. A true and  
 13 correct copy of Sports Media’s Answer is attached to the concurrently filed  
 14 Declaration of Michaela R. Goldstein as “**Exhibit E.**”

#### 15 **TIMELINESS OF REMOVAL**

16         7. This Notice of Removal is timely as it is being filed within 30 days of  
 17 the first receipt by a defendant of a copy of an “order or other paper” (in this case,  
 18 the Complaint) from which it was first ascertained the case had become removable.  
 19 28 U.S.C. § 1446(b)(3).

#### 20 **LMRA PREEMPTION UNDER 29 U.S.C. § 185**

21         8. Plaintiff’s overtime claim in the Complaint is completely preempted by  
 22 29 U.S.C. § 185 (i.e., § 301 of the LMRA) and, thus, this case may be removed  
 23 pursuant to 28 U.S.C. § 1441(a). See Curtis, 913 F.3d at 1152 (“Although normally  
 24 federal preemption is a defense that does not authorize removal to federal court, §  
 25 301 has such extraordinary preemptive power that it converts an ordinary state  
 26 common law complaint into one stating a federal claim for purposes of the well-  
 27 pleaded complaint rule. In other words, a civil complaint raising claims preempted  
 28

1 by § 301 raises a federal question that can be removed to federal court.”) (internal  
2 citation omitted for clarity).

3 9. As her second cause of action, Plaintiff alleges that Defendants failed  
4 to pay daily overtime (i.e. overtime for hours worked over 8 in a day) and weekly  
5 overtime (i.e. overtime for hours working over 40 in a week) pursuant to Labor  
6 Code section 510. Goldstein Decl., at ¶ 2 & Exhibit C, ¶ 117. However, Labor  
7 Code section 510 is inapplicable because the CBAs governing Plaintiff’s  
8 employment meet all the requirements of Labor Code section 514. Cal. Lab. Code §  
9 514 (“[Labor Code] Sections 510 and 511 do not apply to an employee covered by a  
10 valid collective bargaining agreement...”)

11 10. Pursuant to the ruling in Curtis and 29 U.S.C. §185, Plaintiff’s claim is  
12 controlled by the CBAs that were in effect during her employment. Thus, 29 U.S.C.  
13 §185, a federal law, applies and the claims are preempted. See generally 29 U.S.C.  
14 §185(a) (“Suits for violation of contracts between an employer and a labor  
15 organization representing employees in an industry affecting commerce as defined  
16 in this chapter, or between any such labor organizations, may be brought in any  
17 district court of the United States having jurisdiction of the parties, without respect  
18 to the amount in controversy or without regard to the citizenship of the parties.”).  
19 Accordingly, this Court has original jurisdiction over the overtime claim in this  
20 action.

### 21 SUPPLEMENTAL JURISDICTION

22 11. Under 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction  
23 over Plaintiff’s remaining wage-related state law causes of action, because they are  
24 predicated on and directly related to Plaintiff’s claim for alleged failure to pay  
25 overtime, which is preempted pursuant to 29 U.S.C. § 185. See, e.g., Goldstein  
26 Decl., at ¶ 2 & Exhibit C, at ¶¶ 112, 124, 128, 130, 134, 140. In addition, the Court  
27 has supplemental jurisdiction over Plaintiff’s remaining non-wage-related state law  
28 causes of action because they are within the scope of the same collective bargaining

1 agreements at issue and because they are inextricably intertwined with Plaintiff's  
2 claim for alleged failure to pay overtime. See, e.g., Goldstein Decl., at ¶ 2 &  
3 Exhibit C, at ¶¶ 17, 39, 58-64 (discussing allegedly inappropriate text conversations  
4 with Mr. Bayless, which likewise form the basis of Plaintiff's overtime claim).  
5 Plaintiff's state law causes of action are so related to the federal claim, so as to form  
6 part of the same case or controversy under Article III of the United States  
7 Constitution. As such, supplemental jurisdiction is appropriate.

### 8 VENUE

9 12. Venue lies in the Central District of California pursuant to 28 U.S.C. §§  
10 1441, 1446(a), and 84(b). This action originally was brought in the Superior Court  
11 of the State of California, County of Los Angeles.

### 12 JOINDER

13 13. Defendants Fox Sports Holdings, LLC, Fox Sports 1, LLC, Fox Sports  
14 2, LLC, Fox Sports Productions, LLC, Charlie Dixon, Skip Bayless, and Joy Taylor  
15 have consented to, and/or joined in, this Notice of Removal.

### 16 NOTICE OF REMOVAL

17 14. This Notice of Removal will be promptly served on Plaintiff and filed  
18 with the Clerk of the Superior Court of the State of California in and for the County  
19 of Los Angeles.

20 15. In compliance with 28 U.S.C. § 1446(a), true and correct copies of all  
21 "process, pleadings, and orders" from the state court action served on Sports Media  
22 or filed by Sports Media are attached hereto as the following exhibits, including:  
23 the Complaint, summons, civil case cover sheet, and order assigning the action to  
24 the Honorable Laura A. Seigle (Goldstein Decl., at ¶ 2 & Exhibit C), the Proof of  
25 Service of Summons to Sports Media (Id. at ¶ 3 & Exhibit D), Sports Media's  
26 Answer to the Complaint (Id. at ¶ 4 & Exhibit E), the Initial Status Conference  
27 Order (Id. at ¶ 5 & Exhibit F), and Skip Bayless's Answer (Id. at ¶ 6 & Exhibit G).  
28

1       **WHEREFORE**, Sports Media requests that the above action pending before  
2 the Superior Court of the State of California for the County of Los Angeles be  
3 removed to the United States District Court for the Central District of California.  
4

5 Dated: February 5, 2025

6                               SHEPPARD, MULLIN, RICHTER & HAMPTON  
7                               LLP

8                               By           /s/ Tyler Johnson          

9                                       TRACEY A. KENNEDY  
10                                      ROBERT MUSSIG  
11                                      RYAN J. KRUEGER  
12                                      TYLER JOHNSON  
13                                      MICHAELA R. GOLDSTEIN

14                                      Attorneys for Defendants  
15                                      SPORTS MEDIA SERVICES, LLC  
16                                      (ERRONEOUSLY NAMED AND SERVED AS FOX  
17                                      CORPORATION), FOX SPORTS HOLDINGS, LLC,  
18                                      FOX SPORTS 1, LLC, FOX SPORTS 2, LLC, and  
19                                      FOX SPORTS PRODUCTIONS, LLC  
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